

**From:** [Minoli, Kevin](#)  
**To:** [Packard, Elise](#); [Sweeney, Stephen](#)  
**Cc:** [Fugh, Justina](#)  
**Subject:** Re: Case law for proposition about "limited purpose" acting officials  
**Date:** Tuesday, January 17, 2017 12:49:58 AM  
**Attachments:** [Response to Senator Carper2017-01-16-190147.pdf](#)

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Elise and Steve- Thank you for your help with this letter. Attached is the final version of the response that the agency sent to the signatories earlier this evening. While it is not an internal document at this point, I would ask that you share it only as necessary at this point. Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Office Line: 202-564-8064  
Direct Dial: 202-564-5551

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**From:** Packard, Elise  
**Sent:** Friday, January 13, 2017 4:40 PM  
**To:** Minoli, Kevin; Sweeney, Stephen  
**Subject:** FW: Case law for proposition about "limited purpose" acting officials

Draft response plus background!

Elise B. Packard  
Associate General Counsel for Civil Rights and Finance  
U.S. EPA Office of General Counsel, Rm. 7353C  
(202) 564-7729

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**From:** Sweeney, Stephen  
**Sent:** Friday, January 13, 2017 4:33 PM  
**To:** Packard, Elise <Packard.Elise@epa.gov>  
**Subject:** Case law for proposition about "limited purpose" acting officials

Elise,

I heard back from OLC in response to my question about (b) (5) [REDACTED]  
[REDACTED]

The reason I did not include it was [REDACTED] (b) (5) [REDACTED]  
[REDACTED], even though the action challenged in that case arose due to a case-specific recusal. The footnote does cite to the legitimacy of the action, however, under the FVRA.

The district court decision also (in more detail) describes what happened as a “delegation.” Because the SEPW letter is focused on statutory authorities that are not delegable, (b) (5) [As you may recall, NLRB has independent litigating authority and, in other FVRA cases, (b) (5) .]

I’m attaching (b) (5) .

Thanks,

Steve

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**From:** Heim, Laura [[mailto:](#) (b) (6) ]  
**Sent:** Friday, January 13, 2017 12:48 PM  
**To:** Sweeney, Stephen <[Sweeney.Stephen@epa.gov](mailto:Sweeney.Stephen@epa.gov)>  
**Subject:** your message

Stephen,

I’m sorry that I missed your follow up call. (b) (5)  
[Redacted text block]

[Redacted text block] Please let me know if there’s anything else I can do to help.

Laura